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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their) Case No. 10-cv-05540 TEH
11 capacities as Trustees of the LABORERS)
HEALTH AND WELFARE TRUST FUND)
12 FOR NORTHERN CALIFORNIA; LABORERS)
VACATION-HOLIDAY TRUST FUND FOR) **EX PARTE APPLICATION FOR**
13 NORTHERN CALIFORNIA; LABORERS) **CONTINUANCE OF CASE**
PENSION TRUST FUND FOR NORTHERN) **MANAGEMENT CONFERENCE;**
14 CALIFORNIA; and LABORERS TRAINING) **(~~PROPOSED~~) ORDER**
15 AND RETRAINING TRUST FUND FOR)
NORTHERN CALIFORNIA,)
16)
Plaintiffs,)
17)
v.)
18)
JAMES RAY BECK, individually and doing)
19 business as J R B GRADING & PAVING; and)
20 J R B GRADING & PAVING,)
21)
Defendant.)
22)
23)
24)
25)

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27 **TO: JAMES RAY BECK, individually and doing business as J R B GRADING &**
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PAVING; and J R B GRADING & PAVING:

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case Management Conference scheduled for June 6, 2011 at 1:30 p.m. be continued for sixty (60) days.

The complaint in this matter was filed on December 7, 2010. Defendants were served with process in this matter on December 17, 2010. Defendants filed an Answer in this case on February 1, 2011. Plaintiffs served discovery on Defendants. Defendants have responded to Plaintiff's document requests. On May 20, 2011, Plaintiffs filed a Motion to consolidate the present action with three other cases and to modify the scheduling order in the following three cases: *Cement Masons Trust Funds v. James Ray Beck, et al.*, U.S. District Court Case No. 10-CV-05539 SI, *Cement Masons Trust Funds v. Paul T. Beck Contractors, Inc.*, U.S. District Court Case No: 10-CV-01492 EDL, and *Laborers Trust Funds v. Paul T. Beck Contractors, Inc.*, U.S. District Court Case No: 10-CV-01493 EDL. Thereafter, on May 27, 2011, the parties filed a Stipulation to consolidate all of these cases and modify the scheduling orders. The earliest filed case in this matter is currently before Magistrate Judge La Porte (*Cement Masons Trust Funds v. Paul T. Beck Contractors, Inc.*, U.S. District Court Case No: 10-CV-01492 EDL). Judge LaPorte's chambers have informed Plaintiffs that an Order is imminent on the Stipulations filed by the parties.

Plaintiffs expect that the Court will consolidate these cases and that a new scheduling order will be issued by Judge LaPorte. Given these facts, Plaintiffs request that the Case Management Conference set for June 6, 2011 be continued for sixty (60) days.

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The above stated facts are set forth in the accompanying Declaration of Concepción E.

Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
filed herewith.

Dated: June 2, 2011

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ Concepción E. Lozano-Batista
CONCEPCIÓN E. LOZANO-BATISTA
Attorneys for Plaintiffs

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ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Based upon the foregoing Ex Parte Application for Continuance of Case Management
Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
Continue Case Management Conference, the Court orders a continuance of the Case Management
Conference for sixty (60) days. ~~In addition, the Court orders:~~

Dated: 06/02/2011

HONORABLE
United States

